D.B.CIVIL SPECIAL APPEAL No. 493/2005
State of Rajasthan & ors. v. Union of India & ors.

Date of order : 21.07.2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri N.M.Lodha, Addl. Advocate General
Shri V.K.Mathur for respondent no.1.
Shri M.S.Singhvi for respondent no.2

This special appeal arises from an order of the learned Single Judge allowing the writ petition of respondent nos. 2 to 7, Dana Ram and others. The writ petition was filed for quashing the order dated 24.3.2005 marked Annexure 7 to the writ petition, and the petitioners sought direction on the concerned authorities of the State to implement the watershed projects sanctioned in the meeting dated 4.3.2005 approved by the Zila Parishad, Bikaner on 5.3.2005. The leraned Single Judge by the order impugned quashed the said order as well as the order dated 25/29.8.2005 marked Annexure R/1 to the appellant's reply whereunder four persons had been nominated as members of the District Watershed Development Committee. The matter was heard a number of times. Today when the hearing was taken up counsel for the parties fairly stated that it is not necessary to consider the past action. In terms of the guidelines fixed by the Government of India, Ministry of Rural Development, Department of

Land Resources titled '*Hariyali*', the function of selection and approval of watershed sites has been assigned to ZP (Zila Parishad)/ DRDA (District Rural Development Authority) as the nodal authority and the appeal may be disposed of with such clarification. The relevant part of the Guidelines runs as under :

> "At the district level, ZP/DRDA shall be the nodal authority for implementation of all the area development programmes under the supervision and guidance of the State Government and the Government of India. It shall approve the selection of watersheds, the appointment of Project Implementation Agencies, approve the action plan/treatment plan of the projects etc. The CEO (ZP)/PD(DRDA) shall maintain the accounts of watershed projects and shall sign all statutory papers such as Utilization Certificates (UCs), Audited Statements of Accounts, Progress Reports, Bonds etc."

It is not necessary to notice the other parts of the guidelines in view of the stand taken by the counsel for the parties. Accordingly without going into correctness or otherwise of the past action we direct that henceforth selection of watershed sites in implementation of the area development programme under the '*Hariyali*' Scheme shall be made by the Zila Parishad/DRDA. . We are informed that DRDA has merged in Zila Parishad and therefore guideline may be read down to that extent.

The order of the learned Single Judge stands modified to this extent and the appeal is accordingly disposed of.

(MOHAMMAD RAFIQ),J. (S.N.JHA), C.J

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